

To code 124

DOR 21-486-2025

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Newport
Community Development Director
169 S.W. Coast Highway
Newport OR 97365-3806

**Description and Map Approved
March 19, 2025
As per ORS 308.225**

11-11-20 AB 300

Description Map - Received from: Derrick Tokos
On: 3/10/2025

This is to notify you that your Description and Map in Lincoln County for:
Annexation to the City of Newport and withdrawing from Lincoln County Library District,
Newport RFPD, and Seal Rock Water District

Ordinance No 2231
Planning File No 1-AX-24/4-Z-24

has been: **Approved** 3/19/2025
 Disapproved

JV# 733

Department of Revenue File Number: 21-486-2025
Reviewed by: Robert Ayers, 503-983-3032
Boundary: Change Proposed Change

The change is for:
 Formation of a new district
 Annexation of a territory to a district
 Withdrawal of a territory from a district
 Dissolution of a district

If you have not already done so, the approved version of the Description and Map must also be filed with the County Assessor

Transfer
 Merge
 Establishment of Tax Zone

**ENTERED
APR 15 2025**

Boundary Change Notice from Taxing District

Boundary change packets must be received in final approved form by the **Department of Revenue** and the **County Assessor(s)** by March 31.

For Department of Revenue use only		
Prepared by	File number	
Date received	Date approved	Date disapproved
Notes		

Request for: Preliminary approval Final approval Date submitted: March 10, 2025

District name City of Newport			
Mailing address 169 SW Coast Hwy	City Newport	State OR	ZIP 97365
County name Lincoln	Second county name (if applicable)		
Contact person Derrick Tokos	Second contact person (if applicable)		
Phone (541) 574-0626	Email d.tokos@newportoregon.gov		
Ordinance/resolution/order 2231	Planning file number 1-AX-24/4-Z-24		
Election date N/A	Effective date March 5, 2025		

Notes

Seeking final approval. Newport Ordinance No. 2231 approving the annexation and withdrawal is enclosed.

Boundary action:

Boundary change Proposed boundary change (effective after Mar. 31 or requires election) Delayed annexation

The change is for:

- Formation of a new district
- Annexation of territory to a district
- Withdrawal of territory from a district
- Dissolution of a district
- Transfer
- Merger or consolidation
- Establishment of tax zone

Documents required for final review:

- Ordinance / resolution / order
- Map of boundary change
- Legal description of boundary change
- School district boundary change form (must be included with school district boundary changes)
- Other supporting documents— List:

Email submission to:

boundary.changes@oregon.gov

Or Send to:

Oregon Department of Revenue
Cadastral Information Systems Unit
PO Box 14380
Salem OR 97309-5075

Contact us:

boundary.changes@oregon.gov
Fax: (503) 945-8737

CITY OF NEWPORT

ORDINANCE NO. 2231

**AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF NEWPORT,
WITHDRAWING THE ANNEXED TERRITORY FROM THE LINCOLN COUNTY
LIBRARY DISTRICT, NEWPORT RURAL FIRE PROTECTION DISTRICT,
SEAL ROCK WATER DISTRICT AND ESTABLISHING ZONING FOR THE
ANNEXED TERRITORY**

Summary of Findings:

1. A request to annex real property into the City of Newport was filed by South Beach Church, an Oregon non-profit corporation, the owner of real property identified as Tax lots 00300 of Lincoln County Assessor's Tax Map 11-11-20-AB. An adjoining portion of the developed SE 40th Street road right-of-way will also be annexed. The real property that is to be annexed is 2.65 acres in size.
2. Concurrent with annexation, the real property will be withdrawn from the Lincoln County Library District, Newport Rural Fire Protection District, and Seal Rock Water District and the Newport Zoning Map will be amended to apply I-1/"Light Industrial" zoning to the property.
3. The Planning Commission of the City of Newport, after providing the required public notification, including the notification to the Department of Land Conservation & Development, held a public hearing on January 13, 2025, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the Newport Zoning Ordinance, and after due deliberation and consideration of the proposed changes, the Commission voted to recommend that the City Council approve the property owner's annexation request.
4. The City Council of the City of Newport, after provision of the required public notification, held a public hearing on February 3, 2025, on the requested annexation and withdrawal, and the zoning of the property to be annexed.
5. At the conclusion of the hearing, and after considering the Planning Commission's recommendation, public testimony, and evidence and argument in the record, the City Council determined that the annexation request complies with the applicable criteria and voted to approve the requested annexation, withdrawal, and zoning designation.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. ANNEXATION, WITHDRAWAL, AND ZONING

A. Annexation. The following described territory (illustrated in Exhibit "A") is hereby annexed to and incorporated within the City of Newport, Oregon:

Beginning at the North $\frac{1}{4}$ Corner of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon (COR9023); thence S87°17'E a distance of 140.64 feet to the west right-of-way line of US Hwy 101; thence S87°17'E a distance of 86.51 feet to the east right-of-way line of US Hwy 101 and the south west corner of Parcel 1, Block N, of the Partition Plat 2001-08 for the Richmond Family Trust; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 32.37 feet to the northwest corner of the SE 40th Street Dedication to the City of Newport, Document number 2009- 10498, Lincoln County Records; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Tax lot 00300 and the Point of Beginning.

Tax lot 11-11-20-AB-00300-00 (Parcel "A")

Starting from the Point of Beginning; thence S25°05'06"W along the eastern right-of- way line of US Hwy 101 a distance of 434.61 feet, more or less; thence N90°E a distance of 357.38 feet, more or less, to the west right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along said west right-of- way line a distance of 373.51 feet to the beginning of a non-tangent 797.50 foot radius curve to the right; thence leaving said west right-of-way line - and on said curve on arc distance of 122.21 feet, the long chord of which bears N84°18'18"W, a distance of 122.09 feet, to the end thereof; thence N79°54'54"W a distance of 45.39 feet, more or less, to the Point of Beginning. Parcel A being described as Tax lot 00300 containing 2.32 acres, more or less.

Together with;

SE 40th Street Right-of-Way (Parcel "B")

Starting from the Point of Beginning; thence S79°54'54"E a distance of 45.39 feet to the beginning of a non-tangent 797.50 foot radius curve to the left; and on said curve an arc distance of 122.21 feet, the long chord of which bears S84°18'18"E, a distance of 122.09 feet, to the end thereof and the west right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the western right-of-way line of the Old Spruce Production Rail Road a distance of 10.48 feet to the beginning of a non-tangent 790.41 foot radius curve to the left; thence leaving said west right-of-way line and on said curve an arc distance of 66.02 feet, the long chord of which bears N88°56'29"E, a distance of 66.00 feet to the end thereof and the east right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the eastern right-of-way line of the Old Spruce Production Rail Road a distance of 49.66 feet, more or less, thence N87°15'45"W a distance of 66.15 feet, more or less, to the northeastern

corner of the SE 40th Street Dedication to the City of Newport, Document number 2009-10498, Lincoln County Records; thence N87°15'45"W a distance of 137.93 feet, more or less to the northwestern corner of the SE 40th Street Dedication to the City of Newport and the east right-of-way line of US Hwy 101; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Tax lot 00300 and the Point of Beginning. Parcel B being described as the SE 40th Street right-of-way containing 0.33 acres, more or less.

B. **Withdrawal.** The property annexed to the City of Newport, as described in Section 1 (A) above, is hereby withdrawn from the Lincoln County Library District, Newport Rural Fire Protection District, and Seal Rock Water District, such withdrawal being deemed to be in the best interest of the City of Newport. The City of Newport also hereby elects to assume the liabilities and indebtedness, if any, against the property so withdrawn from the Lincoln County Library District, Rural Fire Protection District, and Seal Rock Water District and further elects to assume such liability to the Seal Rock Water District in the manner provided by ORS 222.520(2)(a).

C. **Zoning.** Ordinance No. 1308 (as amended) adopting the City of Newport Zoning Map is hereby amended to provide for a zone designation on the Zoning Map for the property annexed to the City of Newport by designating the subject property described in Section 1(A) with an I-1/"Light Industrial" zone designation.

Section 2. The findings attached as Exhibit "B" are hereby adopted in support of the annexation, withdrawal, and zoning designations as adopted in Section 1.

Section 3. In accordance with ORS 222.005, a copy of this ordinance shall be provided, by certified mail, to public utilities and telecommunication carriers operating within the city no later than 10 working days after passage of the ordinance.

Section 4. Once this ordinance is effective, copies of the document shall be forwarded to the Lincoln County Assessor and Oregon Department of Revenue in accordance with ORS 222.010 and ORS 308.225.


Section 5. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: February 3, 2025

Signed by the Mayor on 2/12, 2025.



Jan Kaplan, Mayor

ATTEST:


Sherri Marineau, Executive Assistant

Findings for Requested Annexation of Property, Withdrawal from the Newport Rural Fire Protection District, Newport Library District and Seal Rock Water District, and Establishment of a Zoning Designation

FINDINGS OF FACT

1. This request for annexation, withdrawal, and zoning designation (Newport File No. 1-AX-24/4-Z-24) was filed by South Beach Church, an Oregon non-profit corporation, on December 4, 2024. The application requests the City of Newport to: (1) annex approximately 2.65 acres of real property (consisting of property currently identified as Tax Lot 00300 of Assessor's Tax Map 11-11-20-AB and adjoining SE 40th Street road right-of-way) into the Newport city limits; (2) amend the City of Newport Zoning Map to establish an I-1/"Light Industrial" zoning designation for the entire property consistent with the existing Newport Comprehensive Plan designation of "Industrial;" and (3) withdraw said territory from the Newport Rural Fire Protection District, Lincoln County Library District, and Seal Rock Water District.
2. South Beach Church does not have immediate plans to develop Tax Lot 00300, and their interest in annexing at this time is to enhance the value of the property should they need to leverage it to borrow funds to complete the church that they are constructing on a nearby property.
3. Real property subject to this annexation is located at the southeast corner of the intersection of SE 40th Street and US 101. The portion owned by the South Beach Church is identified as Tax Lot 00300 on Lincoln County Assessor Map 11-11-20-AB. It is 2.32 acres in size. The balance of the real property that is to be annexed is SE 40th Street public road right-of-way adjacent to the north boundary of Tax Lot 00300. It is 0.33 acres in size.
4. The legal description of the area to be annexed is as follows:

Beginning at the North ¼ Corner of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon (COR9023); thence S87°17'E a distance of 140.64 feet to the west right-of-way line of US Hwy 101; thence S87°17'E a distance of 86.51 feet to the east right-of-way line of US Hwy 101 and the south west corner of Parcel 1, Block N, of the Partition Plat 2001-08 for the Richmond Family Trust; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 32.37 feet to the northwest corner of the SE 40th Street Dedication to the City of Newport, Document number 2009- 10498, Lincoln County Records; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Tax lot 00300 and the Point of Beginning.

Tax lot 11-11-20-AB-00300-00 (Parcel "A")

Starting from the Point of Beginning; thence S25°05'06"W along the eastern right-of-way line of US Hwy 101 a distance of 434.61 feet, more or less; thence N90°E a distance of 357.38 feet, more or less, to the west right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along said west right-of-way line a distance of 373.51 feet to the beginning of a non-tangent 797.50 foot radius curve to the right; thence leaving said west right-of-way line - and on said curve on arc distance of 122.21 feet, the long chord of which bears N84°18'18"W, a distance of 122.09 feet, to the end thereof; thence N79°54'54"W a distance of 45.39 feet, more or less, to the Point of Beginning. Parcel A being described as Tax lot 00300 containing 2.32 acres, more or less.

Together with;

SE 40th Street Right-of-Way (Parcel "B")

Starting from the Point of Beginning; thence S79°54'54"E a distance of 45.39 feet to the beginning of a non-tangent 797.50 foot radius curve to the left; and on said curve an arc distance of 122.21 feet, the long chord of which bears S84°18'18"E, a distance of 122.09 feet, to the end thereof and the west right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the western right-of-way line of the Old Spruce Production Rail Road a distance of 10.48 feet to the beginning of a non-tangent 790.41 foot radius curve to the left; thence leaving said west right-of-way line and on said curve an arc distance of 66.02 feet, the long chord of which bears N88°56'29"E, a distance of 66.00 feet to the end thereof and the east right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the eastern right-of-way line of the Old Spruce Production Rail Road a distance of 49.66 feet, more or less, thence N87°15'45"W a distance of 66.15 feet, more or less, to the northeastern corner of the SE 40th Street Dedication to the City of Newport, Document number 2009-10498, Lincoln County Records; thence N87°15'45"W a distance of 137.93 feet, more or less to the northwestern corner of the SE 40th Street Dedication to the City of Newport and the east right-of-way line of US Hwy 101; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Tax lot 00300 and the Point of Beginning. Parcel B being described as the SE 40th Street right-of-way containing 0.33 acres, more or less.

5. Staff reported the following information regarding the requests:

- A. Plan Designation: The subject territory is within the Newport Urban Growth Boundary and is designated as "Industrial" on the Newport Comprehensive Plan Map.
- B. Zone Designation: City of Newport zoning is established at time of annexation. The I-1/"Light Industrial," I-2/"Medium Industrial," and I-3/"Heavy Industrial" designations are consistent with a Comprehensive Plan designation of "Industrial." The applicant is requesting I-1 zoning, which aligns with the designation applied to property within the City, situated immediately to the north and further south along US 101.
- C. Surrounding Land Uses: Property immediately to the west, north, and east is undeveloped. The parcel to the south is developed with a cluster of single family detached dwellings. The US 101 corridor in this areas is developed predominantly with light industrial uses intermixed with a modest number of older detached and manufactured dwellings.
- D. Topography and Vegetation: The private property is relatively flat, with a sand berm along the US 101 frontage and forested areas along the south and east sides of the property. A portion of the berm has been excavated with the material being removed from the property. SE 40th is a fully improved road.
- E. Existing Residences/Buildings: None.
- F. Utilities: Municipal water and wastewater service is available along SE 40th Street and US 101.

G. Development Constraints: The south east corner of the property appears to be encumbered by a wetlands

H. Past Land Use Actions: None known.

I. Notification: Required notice to the Department of Land Conservation and Development was provided on December 5, 2024. For the Planning Commission and City Council public hearings, notification in accordance with the NMC Section 14.52.060(C) requirements included mailing notice to surrounding property owners, City departments and other public agencies and utilities, and other individuals on December 12, 2024 and January 14, 2025, respectively. Notice of the Commission and Council public hearings was published in the Lincoln County Leader on January 1, 2025 (Commission) and January 22, 2025 and January 29, 2025 (Council).

6. The Planning Commission held a public hearing on the proposed request on January 13, 2025. Testimony was provided by the applicant in support of the request. No other testimony was offered at the hearing and, after considering the testimony and reviewing the staff report, the Commission voted unanimously to recommend approval of the annexation with the real property being zoned I-1/"Light Industrial."

7. The City Council held a public hearing on the annexation request on February 3, 2025. A Planning Staff Report, dated January 7, 2025, was submitted to the City Council. The Planning Staff Report and attachments as follows are hereby incorporated into the findings:

- Attachment "A" - Application Form
- Attachment "B" - Statutory Warranty Deed Vesting the Church with Ownership
- Attachment "C" - Completed Consent to Annex Form
- Attachment "D" - Legal Description and Map of Area to be Annexed
- Attachment "E" - Newport Comprehensive Plan Map
- Attachment "F" - Proposed Zoning Map
- Attachment "G" - Local Wetland Inventory and Aerial Map
- Attachment "H" - Uses Allowed in Industrial Zones
- Attachment "I" - Intent of Zoning Districts
- Attachment "J" - Public Notice
- Attachment "K" - OAR 660-012-0060
- Attachment "L" - Copy of ORS 222.170 through 222.183
- Attachment "M"- Copy of ORS 222.460 through 222.465 and ORS 222.524

8. At the February 3, 2025 public hearing, the City Council heard a staff report and allowed for testimony and evidence to be given on the annexation request. Following the close of the public hearing, the Council deliberated and voted to approve the request. The minutes of the February 3, 2025 public hearing are hereby incorporated by reference into the findings.

9. The approval criteria for this annexation request are as follows:

A. For the annexation/withdrawal portion of the annexation request, Newport Municipal Code Section 14.37.040 provides *"The required consents have been filed with the*

City; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits."

- B. For the zoning map amendment portion of the annexation request, the applicable criteria per Newport Municipal Code Section 14.36.010 are *"Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare."*
- C. When property is to be rezoned, the City must also address applicable requirements of the State of Oregon Transportation Planning Rule (OAR 660-012-0060). Pursuant to OAR 660-012-0060(1), Plan and Land Use Regulation Amendments, if an amendment to a zoning map significantly affects an existing or planned transportation facility, then the local government must put in place measures to mitigate the impact, unless the amendment is allowed under section (3), (9) or (10) of the rule. In this case, section (9) is applicable and it reads as follows:

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

CONCLUSIONS

- 1. In regard to the criteria for approval of the annexation request under Newport Municipal Code Section 14.37.040 the City Council concludes as follows:
 - A. In regard to the first criterion (*The required consents have been filed*), the City Council concludes that pursuant to Oregon Revised Statutes (ORS) 222.170(1), the City need not hold an election on the annexation of contiguous territory if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land. The applicant, South Beach Church, owns 2.32 of the 2.65 acres that is to be annexed as evidenced by a Statutory Warranty Deed, recorded November 1, 2022 under Instrument #2022-10304 (Planning Staff Report, Attachment "B"). The South Beach Church filed a completed "consent to annex

form" demonstrating their desire to have the property annexed by the city (Planning Staff Report, Attachment "C"). This is sufficient evidence to establish that the requisite consent has been granted and that the city may proceed with the annexation without an election.

- B. In regard to the second criterion (*the territory to be annexed is within the acknowledged urban growth boundary (UGB)*), The City Council concludes that City records show that the property is within the Urban Growth Boundary of the City of Newport.
 - C. In regard to the third criterion (*the territory to be annexed is contiguous to the existing city limits*), the east boundary of the subject territory is contiguous to the existing city limits as shown on the applicant's map exhibit (Planning Staff Report, Attachment "D").
- 2. In regard to withdrawal of the Newport Rural Fire Protection District and Lincoln County Library District, the City Council finds that there are no applicable criteria and that withdrawal of the property from these districts should occur at annexation, since that is the time when the City of Newport becomes the service provider.
 - 3. In regard to withdrawal of the property from the Seal Rock Water District, the City Council concludes that, in accordance with the City of Newport/Seal Rock Water District Urban Service Area Agreement and ORS 222.520(2)(a), the City is responsible for District indebtedness incurred against the property prior to the date it took over responsibility for water service (i.e. January 1, 2008). Such payment will be made to the District in lump sum prior to the effective date of the annexation ordinance.
 - 4. In regard to the establishment of an I-1/"Light Industrial" zoning designation over the subject property, the City Council concludes that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare for the following reasons:
 - A. The Comprehensive Plan designation for the property is Industrial (Planning Staff Report, Attachment "E"). It is implemented by either the I-1/"Light Industrial," I-2/"Medium Industrial," or I-3/ "Heavy Industrial" zoning designations. Property along the US 101 corridor is under the same Comprehensive Plan Map designation (Attachment "E"). Property to the north is zoned I-1, as is land to the south that is situated inside the city limits (Planning Staff Report, Attachment "F"). A list of uses permitted outright and conditionally in the I-1, I-2, and I-3 zones is included as Planning Staff Report, Attachment "H." The intent of the I-1, I-2, and I-3 zoning districts is included as Planning Staff Report, Attachment "I."
 - B. The Comprehensive Plan Map reflects the policy direction contained in the Newport Comprehensive Plan, including an Urban Growth Boundary that sets out the City's buildable land needs for a 20-year planning period, so it is appropriate to conclude that the application of a zone designation in conformance with the Comprehensive Plan, as is the case here, furthers a public necessity and promotes the general welfare.

- C. The Newport Comprehensive Plan identifies a need for additional industrial land to support the City's commercial and industrial needs. The I-1 zone is a flex commercial zone that allows a range of highway oriented commercial and industrial uses. The Newport Urban Renewal Agency is in the process of obtaining approval from the Oregon Department of Transportation to signalize the intersection of SE 40th and US 101. Once that occurs, this property, at the southeast corner of that intersection, will be well positioned to support urban scale commercial or industrial development that would bring needed services and employment to the community. The I-2 and I-3 zones allow industrial activities that can generate significant noise, vibration, dust and fumes. Given the proximity of noise sensitive uses in the area (i.e. residences), the City Council finds that these zoning designations are not suitable for this location. Accordingly, the Council concludes that applying I-1 zoning to the property is most consistent with the site's Industrial Comprehensive Plan, Map designation, and the change furthers a public necessity and promotes the general welfare.
- D. With regard to Transportation Planning Rule requirements of OAR 660-012-0060, the City Council concludes that the project does not significantly affect an existing or planned transportation facility because the rule exemption provisions of OAR 660-012-0060(9) have been met. To support this conclusion, the Council notes that (a) the proposed I-1/"Light Industrial" zoning is consistent with the Industrial Comprehensive Plan Map designation; (b) Newport updated its Transportation System Plan (TSP) in 2011 (Ordinance No. 2045) and again in 2022 (Ordinance No. 2199) and the requested zoning is consistent with the urban scale of development that the TSP assumes will be generated from the property; and (c) the subject property was exempted from the Transportation Planning Rule because it predated the rule, being included in the City's original UGB in 1982 (Ordinance No. 1310); however, as noted, the City has subsequently adopted TSP amendments that account for the urbanized area. These facts demonstrate that the applicant's proposal satisfies the standards for an exemption as set forth in OAR 660-012-0060(9).

OVERALL CONCLUSION

Based on the staff report and attachments, the application material, and other evidence and testimony in the record, the City Council concludes that the requested annexation, withdrawal, and zone designations comply with the criteria established for approval of each of the requests under the applicable criteria as explained in the findings. The requested annexation, withdrawal, and establishment of a zone designation are hereby **APPROVED**.

